

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CHARLES SMITH, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19-CV-208-LRA

**WARDEN BRIAN LADNER, DEPUTY
WARDEN VIVIAN FRAZER, and
DEPUTY WARDEN JAMES FILLYAW**

DEFENDANTS

ORDER OF VOLUNTARY DISMISSAL

This cause is before the Court on the *pro se* Plaintiff's *ore tenus* motion, made during his December 3, 2019, omnibus hearing, to voluntarily dismiss his complaint as to Defendant Deputy Warden James Fillyaw. There being no objection by any Defendant to the dismissal of Fillyaw, the *ore tenus* motion is hereby **granted**.

IT IS, THEREFORE, ORDERED that Defendant Deputy Warden James Fillyaw is hereby dismissed with prejudice. The Clerk is directed to alter the docket to reflect his dismissal.

SO ORDERED, this the 31st day of January, 2020.

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE